

Filed for intro on 02/15/2001
HOUSE BILL 1808 By
Hood

SENATE BILL 1846
By Trail

AN ACT to amend Tennessee Code Annotated, Title 36 and Title 37, relative to children's rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-101(a), is amended by deleting subdivision (3) in its entirety and by substituting instead the following language:

Except when the court finds it not to be in the best interests of the affected child, each order pertaining to the custody or possession of a child arising from an action for absolute divorce, divorce from bed and board or annulment shall award the rights listed in (3)(A)-(I) as rights of the child to be enforced on the child's behalf by the parent who does not have custody during the relevant period, or shall incorporate such rights by reference to a prior order. Other orders pertaining to custody or possession of a child may contain the rights listed in subdivision (A)-(I). The referenced rights are as follows:

(A) The right to unimpeded telephone conversations with the parent at least twice a week at reasonable times and for reasonable durations;

(B) The right to receive mail from the noncustodial parent which the other parent shall not open or censor;

(C) The right to have notice and relevant information sent to the noncustodial parent as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of the child;

(D) The right to have sent directly from the child's school upon the parent's written request which includes a current mailing address and upon payment of reasonable costs of duplicating, copies of the child's report cards, attendance records, names of teachers, class schedules, standardized test scores and any other records customarily made available to parents;

(E) Unless otherwise provided by law, the right to have the noncustodial parent provided with copies of the child's medical, health or other treatment records directly from the physician or health care provider who provided such treatment or health care upon written request which contains a current mailing address and upon payment of reasonable costs of duplication; provided, that no person who receives the mailing address of a parent as a result of this requirement shall provide such address to the other parent or a third person;

(F) The right to be free of unwarranted derogatory remarks made about such parent or such parent's family by the other parent to or in the presence of the child;

(G) The right to have the noncustodial parent given at least forty-eight (48) hours notice, whenever possible, of all extracurricular activities, and the opportunity to have such parent participate in or observe the following:

(i) School activities;

(ii) Athletic activities;

(iii) Church activities; and

(iv) Other activities as to which parental participation or observation would be appropriate;

(H) The right to have the noncustodial parent provided from the other parent, in the event the other parent leaves the state with the minor child or children for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency; and

(I) The right to have the noncustodial parent involved in the child's education, including access to the minor child or children for lunch and other activities, on the same basis that is provided to all parents, provided the participation or access is reasonable and does not interfere with day-to-day operations or with the child's educational performance.

Enforcement of such rights shall be based upon recognition that the rights belong first to the child and secondly to the parent. Any of the foregoing rights may be denied in whole or in part to one or both parents by the court upon a showing that such denial is in the best interests of the child. Nothing herein shall be construed to prohibit the court from ordering additional rights where the facts and circumstances so require.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.